

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,) Case No. 1:04-cr-00108
)
v.) Honorable Richard Alan Enslen
)
MICHAEL JOHN SKOCZYLAS,)
)
Defendant.) _____
)

REPORT AND RECOMMENDATION

Defendant appeared before the undersigned on May 2, 2008 for a final hearing regarding allegations of violation of the conditions of his supervised release, following referral of the matter for report and recommendation by the Honorable Richard Alan Enslen. Defendant was seen on April 18, 2008 for a preliminary and detention hearing. Defendant waived the preliminary hearing and was released on a \$5,000.00 unsecured appearance bond and bound over for a final revocation hearing. At the May 2, 2008 hearing, defendant was represented by counsel and specifically waived his right to allocution before a district judge prior to sentencing. After being advised of his rights in this matter, defendant admitted guilt to all of the violations contained in the Amended Petition for Warrant for Offender Under Supervision entered May 2, 2008.

The undersigned recommends that defendant be continued on supervised release, with all prior conditions of supervision and the added condition that he be on home detention between the hours of 10:00 p.m. and 6:30 a.m. until the close of this supervision.

Defendant clearly has a substance abuse problem, and during his period of supervision he has used controlled substances approximately once each year. The undersigned is not recommending a term of custody because defendant has otherwise been entirely compliant with his conditions of supervision and appears to be living a productive life. He is purchasing a home, has been steadily employed, and is up to date in his child support obligations. Defendant is very involved with his children, including taking them to school each day. He has enrolled in intensive out-patient drug treatment and advises that he is attending frequent Narcotics Anonymous meetings. Finally, defendant appears to have taken responsibility for his conduct.

Defendant's period of supervision will end in August of this year. Should defendant incur any further violations of his supervised release, the undersigned would recommend that he be sentenced to the maximum period available.

Date: May 22, 2008

/s/ Ellen S. Carmody
ELLEN S. CARMODY
United States Magistrate Judge

NOTICE TO PARTIES

You have the right to review of the foregoing findings by the district judge. Any application for review must be in writing, must specify the portions of the findings or proceedings objected to, and must be filed and served no later than ten days after the filing of this Report and Recommendation.